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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,282	01/22/2001	Liang-Guo Wang	A4182/T34100	2040

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EXAMINER  
HASSANZADEH, PARVIZ

ART UNIT	PAPER NUMBER
1763	11

DATE MAILED: 01/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/767,282	WANG ET AL.
Examiner	Art Unit	
Parviz Hassanzadeh	1763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 December 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-32 is/are pending in the application.

4a) Of the above claim(s) 1-6, 10 and 14-32 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 7-9 and 11-13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 22 January 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4,10.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Species 1 (frequency modulated signal) of group 1 in Paper No. 9 is acknowledged. The traversal is on the ground(s) that examination of the all pending claims would not be unduly burdensome. This is not found persuasive because as cited in paper No. 5 (restriction requirement) the inventions of groups 1-3 are distinct and have acquired a separate status in the art as shown by their different classification. Further, the special technical features of species 1-3 are distinct and the search required for species 1 is not coexistence with the search required for the other species. It is also noted that claim 10 belong to species 3 (amplitude and frequency modulated signal).

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-6, 10 and 14-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, method and apparatus, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 9.

### ***Specification***

The disclosure is objected to because of the following informalities:

on page 1, line 19, it is suggested to delete "apparatus" before "processing";

on page 12, line 25, it is suggested to delete "a" before "CVD".

Appropriate correction is required.

***Drawings***

Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1, 6-9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino et al (US Patent No. 6,471,821 B2) in view of Yamagata et al (US Patent No. 5,362,358) and Miller et al (Electronics The Easy Way, 1995, pages 207-226).**

Ogino et al teach a plasma processing apparatus (Figs. 1, 2) comprising:

a power device 30 for generating a frequency modulated signal (a carrier source adapted to generate a first RF signal at a carrier frequency; a modulation source adapted to generate a second RF signal at a modulation frequency; a modulator adapted to modulate the first RF signal with the second RF signal to form a frequency modulated signal); and

a reaction chamber 2 including a stage 6 supporting a wafer 7 thereon, wherein the stage 6 is connected to the RF power source 30 (a plasma processing chamber coupled to the modulator) (abstract and column 4, lines 10-51).

Ogino et al fail to explicitly disclose the details of the frequency modulated power source as comprising a carrier source adapted to generate a first RF signal at a carrier frequency; a modulation source adapted to generate a second RF signal at a modulation frequency; a modulator adapted to modulate the first RF signal with the second RF signal to form a frequency modulated signal.

Yamagata et al teach a plasma processing apparatus (Fig. 8) including a mechanism for amplitude modulating, wherein a carrier frequency from a power source 50 is mixed with a modulation signal from a pulse generator 94 in a modulation circuit (modulator) 92 (column 6, lines 1-10).

Miller et al teach how a frequency modulated signal can be constructed by combining the output of a carrier source providing a first RF signal with the output of a modulation source providing a second RF signal (pages 209-211).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the modulator 92 as taught by Yamagata et al and the carrier source and

the modulation source as taught by Miller in the apparatus of Ogino et al in order to generate a modulated frequency.

*Regarding claims 8 and 9:* the apparatus of Yamagata et al (Fig. 8) further includes an amplifier 90 for amplifying the modulated signal, and an impedance matching network 52 . Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the amplifier and the impedance matching network as taught by Yamagata et al in the apparatus of Ogino et al in order to amplify the modulated signal and to more efficiency apply signal to the chamber.

*Regarding claim 11:* as shown in Figs. 12-4 and 12-5 of Miller et al, the modulation frequency (A) is a sine wave.

*Regarding claim 12:* the apparatus of Ogino et al is a plasma etching apparatus (column 4, lines 28-33 and abstract).

*Regarding claim 13:* as shown in Figs. 12-4 and 12-5 of Miller et al, the modulating frequency is less than the carrier frequency. For example, in Fig. 12-5, the frequency of signal A (modulating frequency) is less than about 0.1 time the frequency of signal B (carrier frequency).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

*Otsubo et al (US Patent No. 4,808,258)* teach a mechanism for producing an amplitude modulated signal, the mechanism includes a modulator , a carrier source, a modulation source, an amplifier and a matching box;

*Ogino et al (JP 10-150025), Ogino et al (US Publication No. 2002/0066537 A1), and Ogino et al (US Publication No. 2003/0000646 A1)* teach a plasma reactor including a power source 30 generating a frequency modulated signal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Parviz Hassanzadeh whose telephone number is (703)308-2050. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Mills can be reached on (703)308-1633. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

*P. Hassanzadeh*  
Parviz Hassanzadeh  
Examiner  
Art Unit 1763

January 3, 2003